IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS – HOUSTON DIVISION

CHRISTIAN CEPHUS *Plaintiff*	§ § §	
V.	§	Civ. Action No.: ___________________
KROGER DEDICATED LOGISTICS CO., and SAMUEL MACK *Defendants*	§ § § §	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE COURT:

COMES NOW CHRISTIAN CEPHUS, Plaintiff in the above-styled cause and complains of Defendants KROGER DEDICATED LOGISTICS CO., and SAMUEL MACK and for cause would show unto the Court the following:

I. PARTIES

2. Plaintiff CHRISTIAN CEPHUS is a resident of Spring, Montgomery County, TX.

3. Defendant Samuel Mack is a resident of Shreveport, Louisiana, and may be served with process by serving him at his residence address: 2725 Lakehurst Ave., Shreveport, LA, 71108, or wherever he may be found.

4. Defendant Kroger Dedicated Logistics Co. is a company doing business in the State of Texas via its trucking operations, and may be served with process by serving its registered agent: Corporation Service Company d/b/a CSC Lawyers Inco at 211 E. 7th Street, Ste. 620 , Austin, TX, 78701.

II. JURISDICTION

5. Plaintiff brings his complaint under federal diversity jurisdiction, 28 U.S.C. 1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds $75,000.00.

III. FACTS

7. On or about August 14, 2016, Plaintiff was traveling northbound on I-45 in Conroe, Texas when Defendant Samuel Mack, acting in the course and scope of his employment for Defendant Kroger Dedicated Logistics Co., changed lanes when it was unsafe to do so and crashed into Plaintiff. The incident made the basis of this suit caused significant damage to Plaintiff's body and vehicle. Plaintiff continues to suffer from the severity of his injuries caused by Defendants.

IV. LIABILITY OF DEFENDANTS

A. SAMUEL MACK: NEGLIGENCE

8. The motor vehicle collision made the basis of this lawsuit, and Plaintiff's resulting injuries and damages, were proximately caused by the negligent conduct of Defendant Samuel Mack as follows:

a. Failing to keep a proper lookout;
b. Changing lanes when it was unsafe to do so;
c. Failing to apply the brakes to his vehicle in a timely manner to avoid the collision in question;
d. Failing to obey our State's traffic regulations;
e. Failing to pay attention when operating a motor vehicle on our State's public highways; and
f. Failing to act as a person of ordinary prudence would have acted in same or similar circumstances.

9. Each of these acts and omissions, singularly or in combination with others, constituted negligence that proximately caused the occurrence made the basis of this action and Plaintiff's injuries and damages.

B. KROGER DEDICATED LOGISTICS CO.

1. Respondeat Superior

10. At the time of the collision made the basis of this suit, on or about August 14, 2016, Defendant Samuel Mack was acting in the course and scope of his employment for Kroger

Dedicated Logistics Co.. Accordingly, Kroger Dedicated Logistics Co. is liable for Samuel Mack's actions and Plaintiff's damages.

2. Direct Negligence

11. In addition to being legally responsible for Samuel Mack's acts of negligence committed in the course and scope of his employment, Kroger Dedicated Logistics Co. is independently negligent in at least the following respects:

a. Hiring a driver that it knew or should have known was unfit and reckless;
b. Failing to properly supervise its driver; and
c. Failing to properly train its driver.

12. These acts and omissions were the producing and proximate cause of Plaintiff's injuries and damages.

V. DAMAGES

13. As a result of the negligent conduct of Defendants, Plaintiff suffered and continues to suffer severe bodily injuries, as well as damage to his vehicle. Plaintiff suffered and/or will suffer past and future loss of use, past and future medical expenses, past and future pain and suffering, past and future mental anguish, past and future physical impairment, and past and future lost wages and earning capacity in a maximum amount of $2,000,000.00.

VI. JURY DEMAND

14. Plaintiff hereby demands a trial by jury and tenders the appropriate fee therefor.

PRAYER

WHEREFORE, Plaintiff prays that Defendants be cited to appear and answer the Plaintiff and that Plaintiff have judgment against the Defendants for the following:

a. Actual damages;
b. Prejudgment and post-judgment interest;
c. Costs of suit; and
d. All other relief, in law and equity, to which Plaintiff may be entitled.

Respectfully Submitted,

THE DUNK LAW FIRM, PLLC

Brenna L. Sanchez
State Bar No. 24068039
4505 Caroline Street
Houston, Texas 77004
(713) 223-1435
(713) 223-1438 (fax)
brenna@dunklawyers.com